

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MATTHEW DE LACRUZ

PLAINTIFF

V.

CIVIL ACTION NO. 3:20-CV-320-KHJ-LGI

RANKIN COUNTY, SHERIFF BRYAN
BAILEY, JOHN DOES

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Lakeysa Greer Isaac. [25]. That Report recommends that the Court grant Defendants' Motion for Summary Judgment [21] and dismiss Plaintiff Matthew De LaCruz's case for failure to state a claim. Written objections to the Report were due by August 27, 2021. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636. *Id.*

When no party has objected to a magistrate judge's report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

De LaCruz brings this civil rights action against Rankin County, Mississippi, Sheriff Bryan Bailey, and John Does, Officers at the Rankin County Jail relating to his fear of contracting COVID-19 while incarcerated. De LaCruz, however, admits in his Complaint that he made no attempt to exhaust his administrative remedies before suing. As a result, the Magistrate Judge found that De LaCruz had not exhausted his administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a) (Supp. 2000), and recommended that the Court should dismiss this case for failure to state a claim. De LaCruz did not object to this Report and Recommendation. The Court finds that the Report and Recommendation is neither clearly erroneous nor contrary to law and should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [25] of United States Magistrate Judge Lakeysa Greer Isaac, entered in this cause should be, and the same is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Defendants' Motion for Summary Judgment [21] is granted, and this case is DISMISSED WITHOUT PREJUDICE.

A separate Final Judgment will issue this day.

SO ORDERED, this the 31st day of August, 2021.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE